

App F IX 4

Previous References

✓
7-8
1948
(mh)

File No 44-47

Serial Nos 16, 17

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for

Dec 48

SUBJECT

Grant of an advance of Rs 4 Lakhs
to the Mysore City Municipality for
providing water supply to extensions

To The Md Comr, Mysore City Munici-
-pality
(through the Sdmt)

No L 6412 / A 13-12-48

Rejects the proposal

6

Serial
No

From the President, City Municipal Council
M No - 329 / 46-7 dt 17-2-47

Request to advance a sum of
Rs 3,36,185 for water supply to the
Municipality, production & codavation
extension

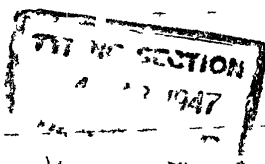
1) It is not clear from the President's
letter whether they want the sum of
Rs 3,36,185 as an advance, repayment
to be eventually or as an outright
grant. This will be called for, as also
a copy of the govt directing the
Municipality to meet this expenditure, as
also a copy of the Managing Committee
Resolution dated 30-11-46

2) yes
28/2/47

3) A draft is put in

4) Some more
26/3/47 4/3/47

TC - present - all - ok
12334 dt 10-3-47
calls for the above



Signature

File No

of 194

General and Revenue
Secretariat

Serial
No

7540
~~7540~~

From the President, City Municipal Bd, Mysore

Dr. 4-392/16-7 d 8-3-47

States that the Mysore City Municipal Bd
 has resolved that in the case of plots already
 formed and sites sold, the Municipality is
 willing to bear the proportional charges of
 layout water mains and submains & also either
 a loan or advance from the Govt and recovering the
 same from owners and requests Govt to sanction
 an advance of Rs 4 lacs for the purpose

It is seen from the above Resolution that
 the Mysore City Municipal Bd wants "either a loan
 or advance from Govt for the purpose and
 2) permission to levy a special water rate or
 tax on the owners of sites payable in one
 lump or 25 years according to the option of
 the owners of sites

(2) But the President has recommended

the grant of an advance of Rs 4 lakhs to the
Municipal Council for the purpose

- 9/11/19
- A | 13) The Financial position of the Mysore city
Municipality is not also satisfactory. The period
B | of 25 years proposed for repayment of the
advance appears to be too long
C | It also appears necessary to definitely ascertain
the source from which the loan is to be repaid

19/3/49 JH
4) The opinion of the Financial Secretary
may be obtained on the above proposal

referred to

for favour of opinion

Fin Secy. JH

27/3/49

- 6627 7
26/3
- 10) I agree with A, B and C above information re
B and C above may be kindly obtained. There can
be no question of an advance if by that is meant
an advance without either security or interest. If
both the latter are forthcoming and the source
for repayment is indicated and is satisfactory
a loan at a reasonable rate of interest may
be considered.

Rev Secy JH

27/3/49

to be considered

27/3/49

7570
h

4

12/8) A draft letter is put up for appl

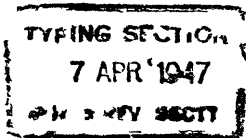
9509
2/4/47
29/3/47
JAN

Reverse of 29/3/47

13 100

14) issue

3/4/47



To

The President M.C.M.

K14/67 dated 16-4-47

For further information

Sub - 7/1

From the President M.C.M. Mysore

23/4/47 C 327 d 16-7-47

Furnishes the information for in

connection with the grant of an advance of Rs 4 lakhs to the Mysore City Municipality for providing water supply to Robinson

15. In the present report the President has stated that an advance of Rs 4,27,585 (as detailed below) would be required in connection with providing water supply to the Paduvanakki and other extensions of Mysore city

1) Total cost of the work estimates in the
Paduvarakallu, Bennimantah, and its
Eastern Extension and Yadavagiri Extensions.

19
3,67,995
~~2,36,800~~

2) Providing water supply to Krishnaregaram — 59,600
and Channarayana

Total — Rs 4,27,595

1b) The president has requested the Govt to
meet one third cost of item No 1- above to the ex-
tent of Rs 1,22,665 in view of the slender
income of the Mysore City Municipality

17, The balance amount of ~~Rs 3,45,335~~ Rs 3,04,930-
has to be treated as a loan to be repaid in
20 years at $3\frac{1}{2}\%$ interest per annum

18) Regarding the repayment of the above loan
amount it is proposed to meet it out of the
realisations to be made from the ^{81%} site owners
by levying a special water tax, ^{and} partly
from out of municipal funds to the extent of
Rs 4052 per annum, in respect of item No 2 above

19) The President has requested the Govt to frame the necessary rules in this behalf. The President will be requested to forward a set of draft rules re the proposed levy of special water tax, in consultation with the Chief Engineer for Irrigation.

20 Points for orders

1) Whether Govt can meet one third share of the cost of the four schemes to the extent of Rs 1,22,665-

2) To grant a loan of Rs ~~3,04,930-~~ ^{3,04,930-} to the Mysore city Municipal Council, carrying interest at $3\frac{1}{2}\%$ per annum and repayable in 20 years

and

3) To request the Municipal President to forward the draft rules in consultation with the

Chief Engineer for Irrigation

21/8 21/8 4) Levy of special water tax on the owners of plots in the extension

For perusal.

21) The opinion of the Chief Engineer

798-2
168742

for irrigation may be obtained and
anyone to buy a special water
that have the water of salts in the
form of extensions & to reimburse the
expenditure for providing water supply
facilities to them

newspapers

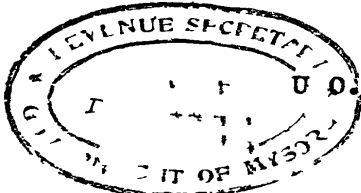
17/11/42

22) Forwarded w/c to the
Chief Engineer for Irrigation
in Mysore, Bangalore for
favour of opinion.

~~Sydney & Donald
Reverend Secretary
An 1874~~

$$\frac{\pi(a)}{m_0} = \frac{984}{984}$$

7. 0. 12
922
1. 12



To 752/S 726/9/42
26
Returned, with compliments

23 The advance of Rs 4,27,595/- asked for by the President City Municipal Council, Mysore, may be sanctioned and the Municipality permitted to levy the special tax on the owners of the sites in the several Extensions as proposed by the Municipal President

Secretary to Government,
Revenue Department

~~M. Narasimh~~
25/9/17 CRD

Revenue Depar

444
/m

Subject. — Want of advance to the Mysore
city Municipality in connection with the water
supply schemes — —

24) The Chief Engineer for Irrigation has
agreed to the proposal of the Mysore city
Municipal Council regarding the levy of special
water tax on the owners of the plots in the
several extensions

25) The points for orders are noted at para 20
of the notes, infra

26) Are there no funds available
under the Extension Funds? What
were the realizations so far from
out of the extensions that much to
get to be realized? What are
the items of expense so far incurred
thereunder? What is the amount available
at the credit of the funds of each
PL for these purposes

30/9

but in preparing the extension?
but must write the nature
of the work that are
proposed to be done
under each

for
30/9/40

45245 / 444 / 20512

27) Subd with a draft letter for approval

6/10 ^h _R 7/10/47

Revised for 7/10/47

28) Issue

8/10/47

To The president - Mr. M
10321 of 11-10-47;
cells for inform

29) Pl remind the President at once do by

12727 / 21-1-48 18/1/48

From the president - Mr. M & Mlyse

1329 of 26-1-48

states that the Chairman, CST Board -

Mlyse and the Municipal Advocate have been
addressed and that a report would be sent
on hearings given them

30) The receipt of further report will
be awaited till 15-3-1948

31) Yes 17/2/48

Sum (A)
16/2 ^h _R 16/2/48



Sum A

2051/5704

From the President - Municipal Council -
Mysore

At 3 C 329 of 25-3-48

Furnishes the information called for the
the grant of an advance of Rs 4 lacs to the
Municipality - For providing water supply to
Extension

32) The points raised at para 26 above - are
answered below -

I Are there no funds available under the
Extension Funds what are the realisations so far
given each of Extensions and how much has yet to
be realised?

<u>Name of Extension</u>	<u>Amount realised</u>	<u>Balance to be realised</u>
	Rs	Rs
1) Yadavagiri Extension -	3,59,708	18,979
2) Jayalakshmi Puram Extension -	4,62,910	65,514
3) Banu Manth Extension -	2,87,779	11,965
<u>Total.</u>	<u>11,10,397</u>	<u>96,458</u>

Against the total amount of Rs 11, 10,397-
realised from the above 3 Extensions, works to the
extent of Rs 8,30,053 have been carried out and
sum of Rs 2,80,344- is available as is reported
by the Chairman of the Mysore C & T Board that
this amount cannot be made available for
providing water supply to these extensions, as the
underground drainage and other improvements will have
to be executed

33) II What are the est of expenditure so far
incurred and what is the amount available at
the credit of the funds of each extension?

The statement is put in Map R₂

34) III What is the provision of law under which
water supply charges are proposed to be recovered
from owners of sites
as is reported that at present,

General and Revenue
Secretariat

File No

of 194

[App F III-2]

Serial
No

There is no such provision of law and that the Government will have to frame the necessary rules, for the purpose

35) The provisions from 20 Supra are for orders

36) The facts of the case and the points for orders are indicated in paras 15 to 20

Supra It is stated that there are no funds available out of the Extension Fund to take up the work of supplying water to the said extension. Hence sanction is sought to the advance a sum of ^x five lakhs of rupees.

37) It is proposed that one-third of the ^{total estimate} above ~~mentioned~~ of Rs 7.995 lakhs Cost of the five estimates of five extensions amounting to Rs 36,79,955 may be given as an outright grant from the Govt & the balance treated as an advance loan granted to the City carrying interest at 3 1/2% & repayable in 20 years. The loan is proposed to be re-imposed by levying a Special water tax on

The amount actually required is said to be Rs 4,27,595

Rs 1,20,000

the owners of the sites in the line
 extensions in proportion to the area
 of the sites owned by them at various
 times $1\frac{1}{2}$ to 12 acres less 1/2
 of it on each side (side of E)
 3) The suggestion is indeed a
 reasonable one. However, any Bill
 in the State has been a procedure
 been adopted. According to the present
 standing orders, the water supply in the
 case of such extensions is a primary
 duty of the Municipal Council. The owners
 of sites have purchased them on the basis
 of the understanding that this
 necessary amount would be provided by
 the local body. It would not be
 correct to impose this additional
 financial burden on the purchasers
 of sites as it would almost mean
 an additional money paid towards the
 value of the site. There is no
 provision of law under which the
 local body can force rates, as suggested by
 the Municipal Council. Further, in the
 absence of an understanding at the
 time the sites were sold, it would
 be difficult to enforce any
 legal liability. Having regard to
 the above facts it is for

Serial
No

2051 4526 5704
orders of

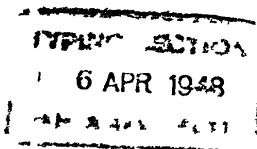
the proposal¹⁴ of the
President, any one of which could
be accepted - viz framing rules in the
A behalf for the recovery of unpaid rate
rate based on the area of the plots
if so, under which section of the Income
of plots Act it could be done
39) orders are submitted on the point-
ref^d to in para 20 supra
- vide also paras 10 & 23 supra

9904
2/3

revised 1/4/48

40) It may be ascertained from
the Municipal President himself
under what provision of
Municipal laws, ~~that the framing of~~
the rules ^{& the levying of tax} referred to
at 'A' ~~have~~ been proposed

41) ~~at~~ I think we can consider
the further course of action
after this reply is received



42) A charge letter calling for
the above information is pending

2/16/48
for
signature

2/14/48
B. S. [Signature]

43) Issue
5/4/48

Grant of an advance of Rs 4 lakhs to the Mysore City MLC
for providing water supply to certain extensions
5204 $\sqrt{5814}$
me

To The Hon. Mysore City

15880 - of 16-4-48

Calls for further info.

See A) Letter No M3 C 329/46-47 dated the 23rd - (7: 8
July 1948 from the President, Mysore City
MLC furnishing the information called
for in letter No L 15880 dated the 16th April
1948 on the subject --

44) Submitted with reference to pages 38 to
40 supra

45) The President states that Section 64(x) of the
City MLCs Act provides for levy of tax by the MLC
in the form of a rate assessed on buildings and
lands or in any other form including charges
for water supply provided in such a mode or modes
as shall be best adapted to the varying circumstances
of any class of land or of any individual case. He
is also of the opinion that Section 83 of the Act gives
ample scope for framing of rules under Section 49 of
the Act. In this connection, he quotes the analogy
of contributions levied upon and recovered from
voters for large engineering works provided for their benefit
in the Revenue Dept and adds that the amount to be levied
on the rate owners will be recovered in a similar form
spread over several years - as many years as the repayment

16 22
of an advance of \$4 bbls to the Dymon
city Mtlg for providing water supply to certain
extensions

814 }
Mtlg

the loan to Govt itself is contemplated. He
also makes reference ^{in the Commission} to the proviso to Section 187
of the Act according to which it is lawful for the
Mtlg to make a special agreement with the
owner of any building or land as to the manner
in which the water connection thereof shall be
carried out and pecuniary or other assistance
if any, which the Mtlg shall render & any payment
owed by the owner shall be recovered in accordance
with the terms of such agreement. But as the water
supply is managed by the Govt, the President states
that the rules for the levy of tax & its recovery
have to be issued by Govt. The proposal is for order

5/29/33

46) The sections ^{of the Act} quoted by the President
refer to the change to be made for the actual
day-to-day supply of water to the houses
and not to the Capital Cost involved in
arranging water supply.

For Govt 47) The President's letter
is for personal orders with
reference to para 40 & 41/Supra
none of the sections of the City
of this Act 1933 passed by the
President seem to apply to the
Case and it is not possible
for the Govt to issue rules
as proposed by him under

8142

2367 Law

Lecturers 49, 83 2187 yms

Act

48) For order - references
40 241 supra

please
bring up
+ discuss
- 9/11
- 16/8

Rev Secy for
13/8/48

49) I concur in the ^{16/8/48}
above view of the Act
Secy It is not possible
to take action under
the above sec^{ns} as proposed
by the President. If
approved this position
will be intimated to
him

Min. Secy
(C. M. S. 2/11/48)

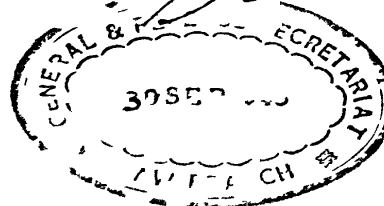
17/8/48

17/8/48

50) Law Secretary for opinion
P. G. L. K.

29/9/48

THE MINISTER FOR CITY
MUNICIPALITIES AND MUZRAI
No. 772
Date 24-8-1948



51)

The papers relate to the grant of an advance of Rs 4 lakhs to the municipality for providing water-supply to extensions of the Mysore City Municipality. It is proposed by the President that 1/3 of the amount may be given by the Government as a grant and the rest as a loan. To repay the loan the Municipal Council propose to levy a fresh tax on the owners of sites to be recovered in the same way as contributions are levied upon and recovered from the ryots for large irrigation works provided for their benefit in the Revenue Department, spread over several years, as many years as the repayment of the loan to Government itself takes.

52)

The point for consideration is whether the municipality can levy such a tax. Supply of water is one of the first essentials of sanitation which a municipality must provide for its inhabitants. A municipality is also empowered (expressly) when its general funds do not permit, to raise loans for providing an efficient water supply.

53)

The municipality can levy a water rate for water supply. Sec 64(X) of the City Municipalities Act provides for levy of a water rate or water rates for water supplied by the Municipal Council which may be imposed in the form of a rate assessed on buildings and lands or in any other form including that of charges for such water supply fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case. It is clear, therefore, that the levy of water rates is for water supplied by the municipality at certain rate.

54)

It is seen from the papers that the sites have been already allotted. The cost of providing mains and sub-mains etc for water supply could have been included in the rate fixed for the sale of sites at upset price. If the rates are now included it may give a valid cause of action to the owners of sites to claim damages for non-supply of the sanitary facilities. Sec 83 re special provisions relating to certain taxes also specifically speaks of the quantity used. Sections 64 and 83 do not therefore apply. Sec 187(1) proviso (a), however provides whenever any ^{drainage} scheme or water scheme has been commenced by any municipal council without prejudice to its powers under sub-section(1) of sec 121 or any other provision of the Act to make a special agreement with the owner of any building or land as to the manner in which the drainage or water connection thereof shall be carried out and the pecuniary or other assistance if any, which the municipal council shall render and any payment agreed upon by the owner shall be recovered in accordance with such agreement. This section speaks of the assistance given by the municipal council. But it is possible for the municipal council to enter into agreement re bearing of construction or maintenance charges also.

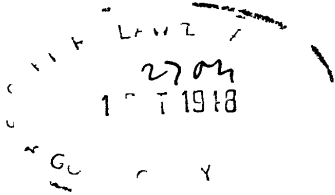
55)

The question, therefore, resolves itself to this viz the municipal council cannot generally levy a rate though it can be construed under sec 187 that it can enter into special agreements with individual owners.

236// 20 23

Grand & Loan Mr. L. P. Carter to Mysore City M.C.

How far this is practicable under the conditions of sale at present existing is purely a matter for the Administrative Secretariat to consider



Lane says)

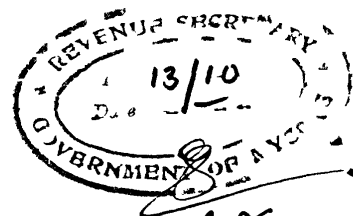
for 1/100

56)

Under Section 57 of the Mysore City Municipalities Act, the Mysore City Municipal Council is empowered by statute to raise loans. To repay the loan applied for it is said that the Council proposes to levy a fresh tax on the owners of sites regarding which the improvements connected with the water supply etc^{an}, contemplated. The question is whether it can raise money by means of taxes to repay the loan. No doubt the power of taxation is essential to the life of a municipality. As remarked by Duraiswami Aiyengar in his book on Law of Municipal Corporations in British India - "A Municipality without the power of taxation would be a body without life, incapable of acting and serving no useful purpose. To perform the various duties imposed upon the municipal corporations, they are accordingly empowered by statute to raise taxes." But it has been held in several cases that taxes are usually levied only to meet expenses which are about to be incurred and it must not ~~therefore~~ be levied to repay loans unless these have been borrowed and charged upon the taxes under statutory powers (R v Wavell, (1779) 1 Doug. (K B)116, Cortis v Kent Waterworks Co, (1827) 7 B & C 314). Under Section 57, the Municipal Council may borrow in pursuance of a

2267

a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act. There is no express provision therein that taxes may be levied to repay loans if that be taken as the purpose for which ^{the} a tax in question has to be imposed. The Municipal Council has power to levy taxes under the items mentioned in Section 64, but the new taxes cannot be mentioned as those levied specifically for the purposes of repaying loans. For making permanent local improvements it may have to incur debts such as the provision for a good water-supply, construction of sewers and drains, erection of necessary public buildings etc. It is considered by Duraiswami Aiyangar that it is only proper that the burden of this expenditure should be distributed upon the existing and future generations of ratepayers as these improvements confer a permanent benefit in the Municipal area. In the absence of contributions from the residents in the locality there cannot be a specific tax levied from the residents of the extensions in question for the purpose of repaying the loan asked for. It must be taken as a debt incurred by the Municipal Council as a body and the repayment has to be thought of from the Municipal funds as a whole, taxes recovered from localities in question benefitting by the improvements going to recoup in the long run *only*.



14/10/48

Ans. Secy
12/10
fr. 12/10

57) The file may be submitted to the Member

ML
814

Grant of an advance of Rs 4 lakhs to the 22
Mysore City Mty for providing water supply
to extensions

For City Municipalities and Mazra
with reference to orders in para 50 above

For 15-10-48 58) If approved, the views
of the Law Section above will be
communicated to the President myself
and his further opinion invited
reference para 50 above

2273
13/10

59)

THE MINISTER FOR CITY MUNICIPALITIES AND MAZRA
No 1640
Date 23-10-1948

Members
C. M. S. D. S. S.

Reverse 16/10/48

8
21/10
for
21/10/48

60) Revenue Secretary will
please come and discuss with
me P. S. S.
8/11

61) Since writing the above, I think
it is not necessary and the
views of the Law Section may
be communicated. P. S. S.

8/11/48
for 9/11/48

123
 Md Grant of an advance of Rs 4 lakhs
 814 to the Mysore City Mty for providing
 water supply to certain extensions
 15-10-47-48
 162)

Submitted with a draft
 letter to the Municipal Comm
 Mysore City Mty - (thru the Pdt)
for approval

for
 15/11/48

Rev secy for
 15/11/48

sent
 16/11

63) Asst secy
 will please bring us
 up

~~Approved~~
 8
 16/11

8
 16/11

for
 17/11/48

64) The draft letter has been revised in
 informal consultation with the Law Branch.
 It may be approved

5593
 26/11

revise for
 28/11/48

Approved

8
 27/11/48

Forwarded in No L 6412 dated 27/11/48
 to the Municipal Comm
 City (through the President)
 Mysore



for
 27/11/48

for
 27/11/48

20057 24
08/9

No M4 C 329/46-47

N S Hirannayya M A
PRESIDENT

City Municipal Council
MYSORE

Date 3rd September, 47

1415/m
8 9 47

Dear sir,

I write to invite your kind reference to this office letter No M4 C 329/46-47 dated the 17th July 1947 in the matter of the grant of an advance of four lakhs to this Municipality for providing water-supply to extensions and to request you to obtain necessary orders of Government in the matter very early, as the question of providing water-supply to the several extensions in the City has to be taken up at once in view of increasing demands for water connection in those areas, as houses are being constructed

[Handwritten signature]

Yours sincerely,

[Handwritten signature]

Syed Abdul Aleem, Esq, B A ,
Secretary to Government,
Revenue Department,
Bangalore

By Surat with a charge D.O. reminder

to the Chief Engineer for Irrigation

RECEIVED SECTION
10 SEP 1947
CH & REV SECT.

9/9 JH

4) 3 specimens
of Resubmit

To The Chief Engineer for Irrigation

9260 d/2-9-47

Requests him to return the Gate

immediately with his remarks
9261 d/2-9-47
Wm to President. M.C.C.

I want to advance the date
 14/11/1957
 all

(6) Resubmitted

12/11/57

7) Refee paras 1 & 2 supra
 In personal

8) The C/E for Disposition to whom
 the file has been sent may be
 given has been referred to
 experts in the matter
 the receipt of the ref will be
 awaited
 received 19/11/57

The C & for Disposition
 may be reviewed at once
 & the matter being the fact
 to the President

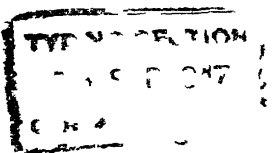
24/11/57
 JPR letter to
 Kinging

Could write another Do reminder

Imref 26/11/57

25/11/57 B-269-57

The reply is since received this
 will be held back
 The file is held up separately
 26/11/57



No. 174-329/46-7
Encl. 1

ml 46-46-14

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL
MYSORE

From

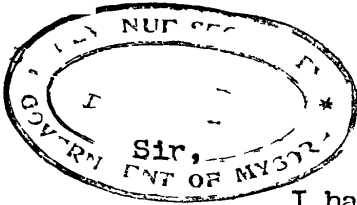
Date 17-2-1947

R Ramachandra Rao Bhombore, Esq, B A

President City Municipal Council



J.B LALLARADHYA, ESQ, M A,
Secretary to Government,
Revenue Department, Bangalore



I have the honour to state that the City Improvement Trust Board have laid out three extensions, viz, Bannimantap Extension, Paduvarahally Extension and Yadavagiri Extension, and have received estimates from Water Supply Division for laying mains and submains to these

1. Water supply to Bannimantap Extension	77,385
2 -do Paduvarahally Extension.	2,36,800
3 do Yadavagiri Extension	22,000

new extensions as noted in the margin. The Municipal Council resolved that the value of sites go to the City Improvement Trust Board, the cost of water-supply should also be met by that body to start with, since any scheme of new lay-outs of sites should be self-supporting, providing for roads, underground drainage and water supply. Since, however, the Government did not sanction the execution of these works out of Trust Board funds on the ground that it is the duty of the Municipality to provide for water supply, the Municipal Council have resolved in their resolution No 469 dated 30-11-1946 that the estimates referred to above may be sanctioned and that the Government may be requested to advance the necessary funds, as there are no surplus funds in the Municipality for meeting this expenditure. I, therefore, request you kindly to obtain sanction of the Government for advancing the amount. A copy of the resolution of the Council is enclosed herewith for favour of reference.

I have the honour to be,
Sir,
Your most obedient servant,

Emanuella
PRESIDENT
em

469, Managing committee resolution (Deferred) No. 92 dated 22-11-46 recommending sanction to the estimates for providing water supply in Benhimantap, Padavarahally an Yadavagiri extensions at Rs 77385, 236,806, and Rs. 22000 respectively with the suggestion that Government be requested to advance be necessary funds as there are no surplus funds in the Municipality for meeting the expenditure.

БЕЛОРУССКА

DR. RAJENDRA NATH RAO

To, $\text{Rs. } \frac{12,334}{10/3/47}$ ³
The President,
City Municipal of Mysore

Sir,

With reference to your letter no

M. 4-329 / 46-7 dated 17-2-47

requesting ^{the} you to sanction an

advance of Rs 3,36,185- in connection

with water supply to the Banmatala,

Pachurava Lake and Gadavadi

extensions, I am directed to point-

out that it is not clear whether the

said sum of Rs 3,36,185- is

required by the City M. C. as an

advance repayable to Govt eventually

4

or as an out-visit grant. The
definite opinion of the M.C. in
this regard may be kindly obtained
and furnished ~~together with~~ a copy
of the ¹⁰2-0 referred to in your letter,
directing the city M.C. to meet
this expenditure, as also, a copy of
the Managing Committee's resolution
of 30-11-46 may also be kindly
sent.

I have
for
Jas New Day

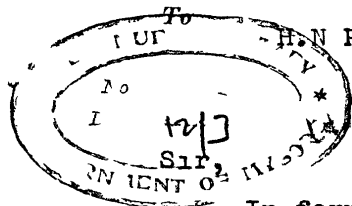
No M 4-392/467
Encl 1

From

R RAMACHANDRA RAO BHOMBORE, Esq, B A
President, City Municipal Council,
MYSORE

Office of the President
City Municipal Council Mysore

Date 8th March 1947



H. N Pallegar, Esq, M A LL B.,
Secretary to Government,
Revenue Department,
B a n g a l o r e.

In forwarding herewith a copy of Council Resolution No.687 dated 5th February 1947 resolving that the Government may be requested to advance the necessary amounts for laying water supply mains and submains in the new extensions in the city, and to give permission to recover the cost thereof by levy of a special water rate or tax on the owners of sites payable in one lump or 25 years according to the option of the owners of sites As the works are urgent, the Government may kindly advance a sum of Rs 4,00,000/- for the marginally

1	Water supply to Paduvarhally extension	Rs 231,000/-	) noted water supply esti- mates in the first instance
2	" Bannimantap "	- 71,000/-	
3	" " Eastern "	- 31,810/-	
4	" Krishnarajavanam and Chamundi extension	- 59,600/-	
5	" Yadavagiri "	- 22,000/-	
		416,000/-	

Further action will be taken to call for objections from the public as per rules and also to arrange to repay the amount in a period of 25 years pointing out the specific sources for repayment and executing the bond in due course

I have the honour to be,
Sir,
Your most obedient servant,

RCI

PRESIDENT
ccm

from Revenue Dept

6

Proceedings of the Adjourned General Meeting of the Municipal Council held on Wednesday the 5th February 1947 at 4 p.m , in the Municipal Offices

687 Managing committee resolution No 166/21-1-47 recommending for sanction to the countersignature of the estimates for Rs 31810/- for providing water supply facilities to the extension to the east of Bannimantap road

In continuation of the resolution No 469 dated 30-11-46, resolved that in the case of extensions already formed and sites sold, the Municipality is willing to bear the proportional charges of laying out water mains and submains taking either a loan or advance from the Government and recovering the same from the owners of such sites by a levy of special water rate or tax in that area so as to cover the interest and sinking fund for repayment of such loan or advance not exceeding a period of 25 years Further resolved that the Government be requested to frame rules or issue the necessary notification enabling the Municipal council to levy such rate or tax

Subject to the above terms the estimate may be countersigned

Moved by Mr P Sitharamaiah
seconded by Mr Agaram Rangiah
Carried

sd/-R Ramachandra Rao Bhombor
President

"Copy"

R *[Signature]*

RCI

PRESIDENT
[Signature]

[Signature]
Revenue Secy

L 14187
16 4 47

To

The President, City Municipal of
Mysore

Sir - Grant of an advance of Rs 4 lacs
to the Mysore City Municipal Council in
connection with ^{the} water supply schemes of
certain new extensions in Mysore

Sir,
with reference to your letter no Mx.
392/467 dated 8-3-47 on the above
subject, I am directed to ~~request you~~ ^{state that}
~~to~~ there can be no question of granting an
advance to the Mysore City Municipal by if by
that is meant an advance without either
security or interest ~~if~~ both the latter are
forthcoming and the source for repayment is
indicated and is satisfactory, the ^{proposal} ~~question~~ of
to ~~granting~~ a loan to the Mysore City Municipal
Council, at a reasonable rate of interest
would be considered. These other
details may ^{kindly} be furnished early
from Revenue Secy

nci

M 4 C 329
46/7

8
Office of the President
City Municipal Council Mys

Date 16th July 1947

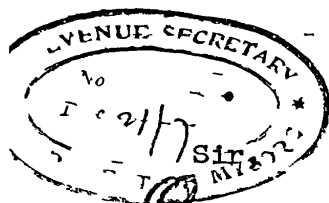
From

R RAMACHANDRA RAO BHOMBORE, Esq., B A
President, City Municipal Council,
MYSORE



To

Syed Abdul Aleem, Esq., B A,
Secretary to Government,
-----Revenue Department,
Bangalore



ml
Mysore
21/7/47

Subject - Grant of an advance of 4 lakhs to Mysore City Municipality for providing water-supply to extensions

Adverting to your letters Nos L 12334/10-3-47 and 14187

dated the 16th April 1947 regarding the above, I have the honour to state as follows -

In this office letter No M4 C 329/46-47 dated 17-2-47, an advance of Rs 3,36,185/- was requested for the marginally* noted items of water-supply works to extensions

1 Providing water-supply to Paduvarahally extension	Rs 2,36,800/-
2 do to Bannimantap Extension	Rs 77,385/-
3 do to Yadavagiri Extension	Rs 22,000/-
Total	Rs 3,36,185/-

On this, the definite resolution of the Council was called for in your letter No L 12334 dated 10th March 1947. Subsequent another reference was received from the Water-supply Department regarding the supply of water to the Eastern Extension of Bannimantap extension at an estimated cost of Rs 31,810/- Thus the total amount required for providing water supply to extensions comes to Rs 3,67,995/- (3,36,185/- + 31,810)

The question of meeting the above expenditure by the Municipality itself instead of by the Trust Board was a subject of prolonged discussion at several meetings and as a result thereof, the Council resolved at their meeting held on the 18th June, 47,

that Government be requested to bear one third of the cost of the works, the balance of 2/3 being recovered from the owners of the sites in those extensions. The cost to be borne by the site owners ^{maybe} being fixed in proportion to the area of the sites, and it works out from 1 anna 6 pies to 12 annas per square yard of the area of each site as noted below -

<u>Name of Extension</u>	<u>Area in Sq yds.</u>	<u>Total amount.</u>	<u>Rate.</u>	<u>2/3 to be recovered.</u>
1. Paduvarahalli	3,65,767	Rs. 2,36,800	12 as. per sq. yd	(approximate) 8 as. per sq. yd.
2 Bannimantap	86,137	77,385	13 as do	8 2/3 "
3 Eastern Extn.	77,049	31,810	7 as do	4 2/3 "
Yadavagiri Extn	2,44,568	22,000	1 a 6 pies	1 "
Total		3,67,995		

The Council have also resolved that the Government be requested to kindly have necessary rules framed in this behalf by the Water Works Department I request that early orders may be issued in this behalf

It is also to be stated that in addition to the above sum of Rs 3,67,995/-, another sum of Rs 59,600/- is required for improving water-supply to Krishnarajavanam and Chamundipuram referred to in this office letter No M4-3439/44-45 dated 8-2-1947 The entire cost of this estimate will have to be met by the Municipality as this is an old extension of the City The amounts required for repayment of this loan of Rs 59,600/- in 20 years at 3 1/8% interest per annum will be Rs 4052 per year This is a small sum and provision for this will be made in the future Budgets of this Municipality Thus the total amount now required is Rs 4,27,595 including the above

In enclosing herewith the above resolutions, I request you kindly to obtain orders of Government to sanction an advance of Rs 4,27,595 as worked out in the margin* instead of 4 lakhs only of which Rs 1,22,665 will be a grant from Government being one third the amount of Rs 3,67,995/- and the balance of Rs. 3,04,930/- treated as a loan to be repaid in 20 years at 3 1/8%

interest per annum partly out of the realizations to be

		made from
1	Total cost of the 4 estimates in the 4 extensions referred to above Rs 3,67,995	the site owners of the
2	Estimated cost of providing water supply to Krishnarajavanam and improving water supply to Chamundi- puram " 59,600	extensions and partly from Municipal

3	Total amount required 4,27,595	funds as
4	Deduct Government share of the first four esti- mates, being 1/3 of Rs 3,67,995 1,22,665	described above

5	Balance to be treated as loan 3,04,930	

I have the honour to be,

Sir,

Your most obedient servant,

R. Narasimham
e r i d e n t
p / am

11

Proceedings of the Adjourned General meeting of the Municipal Council held on Wednesday the 8th February 1947 at 4 p m in the Municipal offices

687 Managing Committee resolution No 166/21-1-1947, recommending for sanction to the countersignature of the estimates for Rs 31,810/- for providing water supply facilities to the extension to the east of Bannimantap road

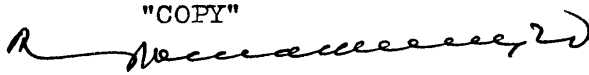
In continuation of the resolution No 469 dated 30-11-1946, resolved that in the case of extensions already formed and sites sold, the Municipality is willing to bear the proportional charges of laying out water mains and submains taking either a loan or advance from the Government and recovering the same from the owners of such sites by a levy of special water rate or tax in that area so as to cover the interest and sinking fund for repayment of such loan or advances not exceeding a period of 25 years Further resolved that the Government be requested to frame rules or issue the necessary notification enabling the Municipal Council to levy such rate or tax

Subject to the above terms the estimate may be countersigned

Moved by Mr P Sitharamiah
Seconded by Mr Agaram Rangiah
Carried

Sd R Ramachandra Rao Bhombore,
President

"COPY"


PRESIDENT

snr

12

Proceedings of the Adjourned General meeting of the
Municipal Council held on Wednesday the 18th June,
1947 at 4-45 P M in the Municipal offices

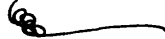
984 Managing Committee Res No 242/16-4-1947, opening on
the letter No 12334 dated 10-3-1947 re the sanction-
ing of an advance of Rs 3,36,185 in connection with
water supply to Bannimantap, Yadavagiri ~~Ext~~ and
Paduvarahally extensions, that the Government may be
requested to kindly grant one third of the estimated
cost of the works being the proportional contribution
from Government in respect of all water works and the
balance of 2/3 be met in the first instance by
the Municipality and recovered from the owners of the
sites according to the area, the amount payable
by Municipality being advanced by Government in the
first instance and that further Government may be re-
quested to frame necessary rules for the purpose
of recovering charges from the site owners

Sd R Ramachandra Rao Bhombore,
President

"COPY"



PRESIDENT



snr

L 9260
12/9/47

Immediate -

13

Sir - Grant of an advance
of Rs 4 lakhs to the Mysore City
Municipality for providing water
supply to extensions in Mysore city

Dear Sir,

In inviting reference to the
file ~~sent~~ on the above subject sent
to office of ~~the~~ ^{the} ~~1057~~ dated 9-8-47

~~On the above subject~~ & am desired
to request that the file may kindly
be returned with your remarks thereon

14

Very early

✓, Lunch

Rotakanyaprasadchh.

M. Narasimhaiah Esq.
to A.C.C. M.C.

Chief Engineer
for Irrigation

from
9-9-47

Memo no 19261 dated 12th Sept 1947

body was to be president city

Mr. C. Mypore - for information with reference

to this letter no M.C. 329 dated 3-9-47

2) The question will be disposed of ^{filed} ^{from} ^{after}

✓ Receipt of the file from the T.E. given to
from

15

Sug - Grant of an advance of
Rs 4 lacs to the Mysore City Municipality -
for providing water supply to extensions in
Mysore city

Dear Sir,

I am inviting ^{Your} reference to this office
file on the above subject, sent with
a note no 57 dated 9-8-47, and
subsequent remarks no 9260 dt 12-9-47,
I am desired to request that the
file may be kindly returned with

16

Your remarks here, very early

Yp Lincach

from
26/9/77

Rajikanya prasakta

U Nava Simhaiah Esq
B.A.-C.E

Chief Esq. for Smt

Memo no. 01

— boy we to the president, city

Municipal H - Myore for information

P. 26/9-77

15-0-77
An. 26/9/77
Dr. Pers. Secy

17-11-47

GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore,

17

WD O No

Dear Sir,

Sub - Grant of an advance of Rs 4 lakhs to the
Mysore City Municipality, for providing
water supply to extensions in Mysore
city.

In inviting your reference to this office file
on the above subject, sent with U.O. Note No.57 dated
9th August 1947 and subsequent reminder No. 9260
dated 12th September 1947, I am desirous to request
that the file may be kindly returned with your remarks
thereon very early.

Yours sincerely,

Sd) Syed Abdul Aleem

Rajakaryaprasaktha

M NARASIMHAIAH, Esq., B A , C E ,
Chief Engineer for Irrigation in Mysore,
B a n g a l o r e .

Memo No

Copy of the above is forwarded, with compliments, to
the President, City Municipal Council, Mysore, for

p t o

14

18

for information

By Order,

Secretary to Government,
Revenue Department

L 10327
1110147

To

The President - City M.C.
Mysore.

Grant of an advance of Rs 4 lakhs to the
Mysore City Municipal Council for providing
water supply to extensions

Sir,

With reference to the Correspondence
including with your letter No M.C. 329/46-7
dated 16-7-47 on the above subject, I am
directed to request you to kindly furnish
information on the following points —

1) Are there any funds available under the
Extension Funds? What were the realisations
so far from ^{each of} the extensions and how much
has yet to be realised?

2) What are the items of expenditure so
far incurred and what is the amount —

available to the credit of the funds of
Evolution

7) what is the provision of law under which water supply charges are imposed to be recovered from the owner of S.R.G.

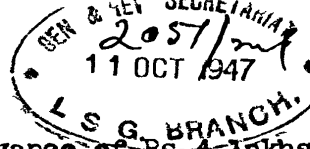
3 hne hr
8 100
2 100-60

N S Hirannayya M A
PRESIDENT

14 C 329/46-47

City Municipal Council
MYSORE

Date 7th October, 1947.



Dear Mr Aleem

Refers
above

Subject - Grant of an advance of Rs. 4 lakhs
for providing water-supply to Extensions in
the City.

10/10/47

In inviting your kind reference to this
office letter of even number dated 17th July 1947
on the above subject, I write to state that the
Chief Engineer for Irrigation in Mysore has since
intimated in his letter dated 4-10-47 that he has
re-submitted the file to Government with his opi-
nion thereon I, therefore, request you to
kindly obtain sanction of Government in the
matter, very early

11/10/47

Yours sincerely,

(Signature)

Syed Abdul Aleem, Esq., B A ,
Secretary to Government,
Revenue Department,
Bangalore

No 13 C 329/46-47
Encl

Office of the President
City Municipal Council, Mysore

Date 26th January 1948

From

N S HIRANNAYYA Esq, M A,
President, City Municipal Council,
MYSORE

To

Syed Abdul Aleem Esq, B.A.,
Secretary to Government of His Highness
the Maharaja of Mysore,
Revenue Department,
Bangalore

Sir,

Sub Grant of an advance of Rs 4 lakhs to the
Municipality for providing water supply
to Extensions

With reference to your D O No L 12727 dated
21-1-48 on the above, I have the honour to state that
the information required in your letter dated 11-10-47
has been called for from the Chairman, City Improvement
Trust Board, Mysore and the Municipal Advocate have
again been reminded to-day

further communication will be made to Govern-

24

pal Council, Myrtle Beach, S.C.
25th March 48
5704
30 MAR 1948
C BRANCH
307844

ml
the fund
x
BRANCH
30344

P. Srinivasiah, Esq. B.A. B.L.
President, City Municipal Council,
Mysore

Sir

I solicit the favour of very early orders of Government in the matter

President 25/3/48

No
Encl

25
Office of the Commissioner,
City Municipality, Mysore,

Dated 23-3-1948

FROM

N S HIRANNAYYA, Esq MA,
Commissioner City Municipal Council
MYSORE

TO

Syed Abdul Aleem, Esq, B.A.,
Secretary to Government,
Revenue Department,
Bangalore.

Sir, (Through the President City Municipal Council Mysore)

Subject - Grant of an advance of Rs.4 lakhs to the Municipality for providing water-supply to extensions.

With reference to your letter No.L 10321 dated 11-10-47 calling for certain information regarding the above, I have the honour to furnish the same as follows -

1. Are there no funds available under the extension funds? What are the realisations so far from each of extension and how much has yet to be realised?

Vide letter No.A1 C.175/47-48 dated 11/13th Feb.48 from the Chairman, City Improvement Trust Board, Mysore - copy enclosed

2 What are the items of expenditure so far incurred and what is the amount available at the credit of the funds of each extension?

3 What is the provision of law under which water-supply charges are proposed to be recovered from the owners of sites?

At present there is no such provision As contemplated in the Council Res.No.984/18-6-47 Govt. have to frame necessary rules for the purpose

I have the honour to be,

Sir,

Your most obedient servant,


Municipal Commissioner.

SNR

Copy of letter No.A1 C.175/47-48 dated 11/13th February 1948 from the Chairman, City Improvement Trust Board, Mysore, to the Commissioner, Mysore City Municipal Council, Mysore.

26

Re Grant of an advance of Rs 4 lakhs by grant to the Mysore City Municipality for providing water-supply to the extensions.

With reference to your Memo No M4.329/47-48 dated the 15th October 1947 from forwarding a copy of letter No.L.10321 dated the 11th October 1947 from the Revenue Secretary to Government to your address, and calling for certain particulars in connection with the above subject, I have the honour to annex below the total realizations to end of December 1947 from each of the Extensions and the balance yet to be realized -

<u>Name of Extension</u>	<u>Amount realised</u>	<u>Balance realizab⁶</u>
1.Yadavagiri Extension	Rs 3,59,708	Rs.18,979
2.Jayalakshmipuram Extension	4,62,910	65,514
3 Bannimantap Extension	2,87,779	11,965
	-----	-----
Total	11,10,397	96,458
	-----	-----

2. Statement showing the progress of works secured on the several sub heads of each of the above Extensions to end of December 1947 is enclosed herewith

annexed to the Statement showing the amount available at end of Dec 47 is

<u>Name of Extension</u>	<u>Amount of realization</u>	<u>Work done.</u>	<u>Balance available.</u>
i. Yadavagiri Extension	Rs.3,59,708	2,99,254	60,454.
ii Jayalakshmipuram Extn	4,62,910	3,32,035	1,30,875
iii.Bannimantap Extn.	2,87,779	1,98,764	89,015
	-----	-----	-----
Total	11,10,397	8,30,053	2,80,344
	-----	-----	-----

The underground drainage works for all the above extensions have to be executed out of the amounts available in the above extensions' accounts Further, several other schemes viz , (1) Lay-out of the Saraswathipuram Extension (2) Layout of further extension of Jayalakshmipuram in Block No.III/A (3) Layout of Vanivilas Mohalla further extension in Block V (4) Layout of sites in Blocks 12, 12/A and 13 of Chamundi Extension etc , have all been taken up under sanction of Government, the original cost thereof being ~~the~~ first met from the amounts now available in the above extension accounts. Hence, this balance cannot be made available for providing water-supply to these or for any other purpose

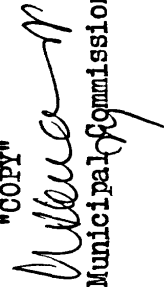
Copy

Municipal Commissioner

me

Statement showing the progress of works done on several sub-heads on each of the 2 extensions

Sl. No	Details of sub-heads	Yadavagiri Extension			Jayalakshimpuram Extension			Bannimantap Extension.		
		Estimate	Value of work done to end of Dec 1947.	Estimate	Estimate	Value of work done to end of December, 47	Estimate	Estimate	Value of work done to end of Dec. 1947	
1.	Acquisition of lands	37,800	71,166	98,000		80,954.			17,128	
2	Forming roads and de- marcating sites	1,11,575	1,36,346	99,800		1,03,245	98,000		1, 18,742	
3.	Construction of road cross- ings and storm water drains.	26,010	49,527	80,900		1,02,244	19,794		32,706	
4.	Metalling roads	17,714	15,342	31,772		33,348	8,786		18,195	
5.	Tools and Plant	5,000		3,000		1,916	1,500		4,631.	
6.	Miscellaneous & unforeseen	3,850		8,000		-	3,500		1,283	
7	Planting avenues	4,000	3,894	4,300		3,752		1,200		
8.	Forming approach road commencing New Bannimantap road to Yadavagiri Extension.	18,400	14,810							
9.	Laying underground sewage drains	1,00,840		2,00,000		6,576	73 000			
10.	Temporary Establishment charges.	4,000	8,169	5,000		6 576				
11	Providing silk pattern drain to Poorniah Nala								2,724	
12.	Water-supply & water pumping machine								3,355	
13.	Constructing Band stand Total	3,29,189.	2,99,254	5,30,772		3,32,035	2,05,700		1,98,764	

"COPY"

 Municipal Commissioner.

Sd P.Sitharamiah,
 Chairman.

215880

23

To The Municipal Council
Mysore

The President
Mysore Municipal Council
(Thru the President)

Subject: Request for an advance of Rs 4 lakhs
to the Mysore Municipal Council
providing water supply to extensions

Sir,

with reference to the correspondence enclosing
with your letter no M.C. C 329 d ²⁵⁻³⁻⁴⁸ ~~16-7-47~~ on
Feb-7
the above subject, reporting that at present there
is no provision of law under which water
supply charges are proposed to be recovered
from the owners of sites and that the Govt
have to frame necessary rules for the
purpose, I am directed to enquire under
what provision of Municipal Law, the framing
of the rules ~~and~~ in this behalf ^{by the Govt} has been suggested
for the recovery
of a special water rate, based on the area of
the sites, ~~has been suggested by~~

~~You~~ and whether, according to the existing standing
evidences, the water supply in the case of such extensions

is not a primary duty of the Mysore city Municipality.
It may also be kind of stated if there is any
such practice in any of the municipalities in
the State.

A very early reply is
requested as this question of the
fruity the loan asked for
depends upon the decision to be
arrived at in regard to
the levy of the special water
rate as proposed.

Yours
J. A. N. S. S.

P.
5-4-48

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. 15880

General and Revenue Secretariat,
Dated Bangalore, 16.4.1948

FROM

*The Secretary to the Government of
His Highness the Maharaja of Mysore
Revenue Department.*

TO

The Municipal Commissioner,
Mysore City Municipality,
Mysore.

SIR,

(through the President).

Sub:- Grant of an advance of Rs. 5 lakhs to the Mysore City Municipality for providing water supply to Extensions.

With reference to the correspondence ending with your letter No. M.C. 229/46-7 dated 25th March 1948 on the above subject, reporting that at present there is no provision of Law under which Water Supply charges are proposed to be recovered from the owners of sites and that the Government have to frame necessary rules for the purpose, I am directed to enquire under what provision of Municipal Law, the framing of the Rules in this behalf by the Government has been suggested for the recovery of a special water rate, based on the area of the sites and whether according to the existing standing orders, the water supply in the case of such extensions is not a primary duty of the Mysore City Municipality. It may also be kindly stated if there is any such practice in any of the Municipalities in the State.

A very early report is requested as the settlement of the question of the grant of the loan asked for depends upon the decision to be arrived at in regard to the levy of the special water rate as proposed.

I have the honour to be,
Sir,
Your most obedient servant,

e/c *P. 17/4/48*
Secretary to Government,
Revenue Department.

tvv.

No
Encl

From

P Sitaramiah, Esq B A BL
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To

Janab Syed Abdul Aleem, B.A.,
Secretary to Government,
Revenue Department,
Bangalore

Sir,

Subject - Grant of an advance of Rs 4 lakhs to the
Municipality for providing water-supply to extensions.

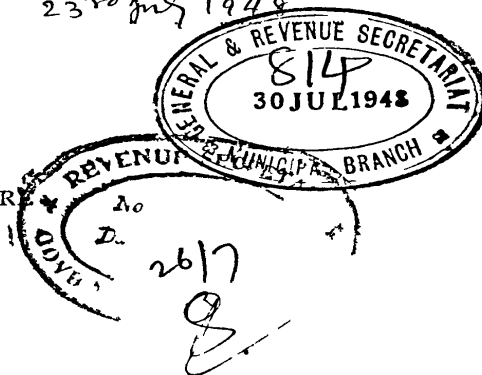
With reference to your letter No.L 15880 dated 16-4-48 on the above subject, I have the honour to state that the question of obtaining the above loan has arisen on account of the fact, that the obligation the Municipality is fixed to provide water-supply etc., though primarily it was the duty of the Trust Board to have included the cost of providing mains and submains etc , to these extensions, before fixing the rate for the sale of sites at upset prices This has been brought to the notice of the Government in the previous letters dated 17-2-1947 and 17-7-1947 Having been unable to find funds for meeting such a huge expenditure the Council thought of levying a fresh tax Section 64(IX) provides for levy of tax by the Municipal Council in the form of a rate assessed on buildings and lands or in any other form including charges for water-supply fixed in such a mode or modes as shall be best adopted to the varying circumstances of any class of cases or of any individual cases

Section 83 of the Act also gives ample scope to framing of rules under Sec 49 of the City Municipalities Act.

It is to be stated that just as contributions are levied upon and recovered from the ryots for large irrigation works provided for their benefit in the Revenue Department, the amount to be levied on the site owners will be recovered in a similar form spread over several years - as many years as the

Office of the President
City Municipal Council Mysore

Date 23rd July 1948



repayment of loan to Government itself is contemplated. Kind reference in this connection is invited to the proviso to Section 187 of the City Municipalities Act by which it is lawful to the Municipal Council to make a special agreement with the owner of any building or land as to the manner ~~and~~ in which the water connection thereof shall be carried out and the pecuniary or other assistance if any which the Municipal Council shall render and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement or in default in the manner described in subsection 2 and 3 supra - as an amount of tax recoverable etc. But as the water-supply is managed by Government, the rules now in force are issued by Government, the rules for the levy of tax and its recovery is also proposed to be kindly made ~~by~~ Government.

I request you kindly to obtain early orders of Government in the matter

I have the honour to be,

Sir,

Your most obedient servant,

O. S. Samuel
PRESIDENT.
ls

SNR.

26412 A 13-12-48 55

G R S App F G 3

GENERAL AND REVENUE
SECRETARIAT

(Continuation sheet draft form)

~~Int. 44-48-17~~
To Int 44-47-17

The Municipal Commr
Mysore City Municipality
(Through the President)

Subject Grant of an
advance of Rs 4 lakhs to
the Mysore City Municipality
for providing water supply to
extensions

Sir

With reference to
the correspondence ending
with the President's letter
No. M3 C 329 dated the 23rd
July 1948 on the above subject,
I am directed to state as
follows:—

Under Section 57 of the
Mysore City Municipalities
Act 1933, the Mysore City
Municipal Council is empowered

by statute to raise loans To repay the loan applied for, it is said that the Council proposes to levy a fresh tax on the owners of ^{the} ~~the~~ ^{land extensions & improvements} ~~improvements~~ which the improvements connected with the water supply etc are contemplated But Taxes ^{however,} are usually levied only to meet expenses which are about to be incurred and must not be levied to repay loans unless these have been borrowed and charged upon the taxes under statutory powers Under Section 57, the M.C. can borrow in pursuance of a resolution passed at a special general meeting and with the previous sanction of Govt and subject to such conditions as may be prescribed by the Govt as to security, the rate of interest and the repayment of principal and interest either from the Govt or from any person. Any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act But there is no express provision therein that taxes may be levied to repay loans

G R S App F G 3

GENERAL AND REVENUE
SECRETARIAT

(Continuation sheet draft form)

-y that be taken as the purpose for which the tax in question has to be imposed. No doubt the M L C has power to levy taxes under the ~~terms mentioned~~ ^{provisions of} ~~Section 64~~, but the new taxes cannot be mentioned as those levied specifically for the purpose of repaying loans.

2 I am to add in this connection that for making permanent local improvements, the M L C may have to incur debts such as the provision for a good water supply, ~~Gas-~~ ~~struction~~ construction of sewers and drains, erection of necessary public buildings etc. It is only proper that the burden of this expenditure should be distributed upon

the existing and future generations of ratepayers
as these improvements confer a permanent benefit
in the Municipal area. In the absence of contributions
from the residents in the locality, there cannot be
a electric tax levied from the residents of the
extensions in question for the purpose of repaying
the loan asked for. It must be taken as a debt
incurred by the M.C. as a body and the
repayment has to be thought of from the
Municipal funds as a whole. ~~Taxes recovered~~
~~from localities in question benefitting by the~~
~~improvements, going to repay in the long~~
~~run only.~~

In the above circumstances the proposal made
by the City is not acceptable to Govt.

Yours faithfully

[Signature]
12/11/21

Secretary to Govt.
for Revenue Dept.
15/11/21

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No 26412

General and Revenue Secretariat,

Dated Bangalore, 13-11-1948

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
General Department

TO

The Municipal Commissioner,
Mysore City Municipality,
(Through the President)

SUBJECT Grant of an advance of Rs 4 lakhs to the Mysore City
Municipality for providing water supply to extensions

Sir,

With reference to the correspondence ending with the President's letter No M3 C 329 dated the 23rd July 1948 on the above subject, I am directed to state as follows

Under Section 57 of the Mysore City Municipalities Act, 1933, the Mysore City Municipal Council is empowered by statute to raise loans. To repay the loan applied for, it is said that the Council proposes to levy a fresh tax on the owners of sites in the several extensions formed in respect of which the improvements connected with the water supply etc., are contemplated. Taxes, however, are usually levied only to meet expenses which are about to be incurred and must not be levied to repay loans, unless these have been borrowed and charged upon the taxes under statutory powers. Under Section 57, the Municipal Council can borrow in pursuance of a resolution passed at a special ^{general} meeting and with the previous sanction of Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act. But there is no express provision therein that taxes may be levied to repay loans if that be taken as the purpose for which the tax in question has to be imposed. No doubt the Municipal Council has power to levy taxes under the provisions of section 64, but the new taxes cannot be mentioned as those levied specifically for the purpose of repaying the loans.

-2-

2 I am to add in this connection that the Municipal Council may have to incur debts for making permanent local improvements such as the provision for a good water supply, construction of sewers and drains, erection of necessary public buildings etc It is only proper that the burden of this expenditure should be distributed upon the existing and future generations of ratepayers as these improvements confer a permanent benefit in the Municipal area In the absence of contributions from the residents in the locality, these cannot be a specific tax levied from the residents of the extensions in question for the purpose of repaying the loan asked for It must be taken as a debt incurred by the Municipal Council as a body and the repayment has to be thought of from the Municipal funds as a whole

In the above circumstances, the proposal made by the Municipality is not acceptable to Government

Yours faithfully,

ge
for
For Secretary to Government,
General Department
for

Notes — 25 Pages.

Course — 38 Pages.